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February 12, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte in CC Dockets 01-338 & 02-33

Dear Ms. Dortch:

On February 12, 2003, Herschel Abbott, Vice President, Governmental Affairs, met with Commissioner Kevin Martin and Dan Gonzalez, Senior Legal Advisor to the Commissioner.

They discussed the Triennial Review and why BellSouth believed UNE-P was having an adverse effect on the industry, its customers, and the economy more generally. They also discussed reasons why NARUC's recent proposal to shift responsibility for carrying out the "necessary and impair" test, as provided for by Section 251(d)(2) of the 1996 Telecommunications Act, from the FCC to the state public service commissions, would not withstand judicial scrutiny.

I am filing this notice in the dockets identified above, as required by Section 1.1206(b)(2) of the Commission's rules, and request that you associate this notice with the records of those proceedings.

Sincerely,



cc: Commissioner Kevin Martin
Dan Gonzalez